



# THE CITY OF NASHUA

*"The Gate City"*

January 4, 2021

**Subject: IFB0253-012121 Concession Rights – Stellos Stadium**

The City of Nashua NH, herein referred to as "the City", is seeking bids from qualified suppliers for a three (3) year contract for Stellos Stadium Concession Rights, with an option to renew in one year increments for a period not-to-exceed five (5) years in total. Details are outlined in Specifications and Conditions issued by the Park Recreation Department, Division of Public Works. The City of Nashua does not offer any guarantee of sales in this contract.

The City, through the Mayor, who is the awarding authority, reserves the right to reject any and all bids or parts of bids; to waive any defects, information, and minor irregularities; to accept exceptions to these specifications; to award contracts or to cancel this request if in the City's best interest.

INSTRUCTIONS FOR BIDDERS:

The City is now accepting submittals electronically via Bid Express. A Digital ID is not required to submit via Bid Express. Please review the documents in bid documents (electronic copies are linked here), [Bid Express Vendor Guide](#) and [Vendor Set-up Guide](#) for more information.

If a Vendor chooses to submit their proposal outside of Bid Express, the following are alternate options:

Paper: Submission one (1) copy and one digital copy on a USB drive in sealed envelope(s) or package(s) clearly marked "IFB0253-012121" Proposals must be submitted in the format provided and address the item(s) specified in the IFB package.

Regardless of the method of submission, proposals must be received no later than 4:00pm on Thursday, January 21, 2021 in the Purchasing Department; City Hall, 229 Main Street, Nashua NH 03061. Postmarks or other timestamps will not be accepted in lieu of actual delivery. Vendors can use whatever delivery mechanism it chooses as long as it remains clear that the vendor is responsible for submissions prior to the date and time.

**Delivery of the bids shall be at the Vendor's expense.** The time of receipt shall be considered when a proposal has been officially documented by the Purchasing Department, in accordance with its established policies, as having been received at the location designated above. The City accepts no responsibility for mislabeled mail. Any and all damage that may occur due to shipping shall be the Vendors responsibility.

Further details are available on the City's web site, [www.nashuanh.gov](http://www.nashuanh.gov), under Services; Bid Opportunities; Current Bids and on the Bid Express website; (Refer to Document IFB0253-012121). Proposals will be opened in public on the due date and time. Results of the proposal opening will be posted on the City's website, [www.nashuanh.gov](http://www.nashuanh.gov), under Services; Bid Opportunities; Bid Results; (Refer to Document IFB0253-012121) within twenty-four (24) hours of the opening.

Complete specifications and related documentation are available on our website, [www.nashuanh.gov](http://www.nashuanh.gov), under Services, Bid Opportunities; Current Bids; and on the Bid Express website. Refer to (Document IFB0253-012121) and related documents.

Please note paper copies of bid documents will not be available. No bid documents are available at the Central Purchasing Office.

The City assumes no liability for the payment of costs and expenses incurred by any Vendor in responding to this invitation for bids. All bids become the sole property of the City of Nashua. This Invitation for bids is not a contract and alone shall not be interpreted as such but rather serves as an instrument through which qualifications and cost proposals are solicited.

The timeline for this project is as follows:

Projected Timeline	Date	
Non-Mandatory Pre-Bid Conference	Friday, January 08, 2021	11:00AM Stellos Stadium 7 Stadium Drive Nashua, NH 03062
Deadline for Vendor Questions	Tuesday, January 12, 2021	12:00PM (Noon)
Vendor Question Answers Posted	Thursday, January 14, 2021	4:00PM
Proposals Due	Thursday, January 21, 2021	4:00PM

There will be a NON-MANATORY pre-submittal meeting on Friday, January 08, 2021, to begin promptly at 11:00 AM at Stellos Stadium, 7 Stadium Drive, Nashua, NH 03062. Attendance to this meeting is recommended for all wishing to submit a proposal for this project however, vendors who do not attend may submit question in writing per the dates specified in the projected timeline. **Attendees are required to wear masks and adhere to all City COVID-19 protocols.** The meeting is an opportunity for the City of Nashua to provide an overview of the project objectives. Vendors are encouraged to attend and participate in the meeting.

Vendors are encouraged to submit questions via email; however, the City assumes no liability for assuring accurate and complete email transmission/receipt and is not responsible to acknowledge receipt. Inquiries must be submitted in writing, citing the IFB title/number, Page, Section, and must be received no later than Tuesday, January 12, 2021 by 12:00PM (Noon) to:

Andy Patrician, Assistant Director of Public Works

Email: [patriciana@nashuanh.gov](mailto:patriciana@nashuanh.gov)

and

Kelly Parkinson, Purchasing Manager

[purchasing@nashuanh.gov](mailto:purchasing@nashuanh.gov)

The City will consider all timely-received questions and requests for change and, if reasonable and appropriate, will issue an addendum to clarify or modify this IFB. Answers to Vendor submitted questions and other addenda will be posted on the City of Nashua website [www.nashuanh.gov](http://www.nashuanh.gov), under Services; Bid Opportunities; Current Bids; ( Refer to Document IFB0253-012121) and on Bid Express no later than Thursday, January 14, 2021 by 4:00PM.

The City hereby notifies all Bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, or disability in consideration for an award.

Pursuant to NRO 5-71 (A), the City of Nashua supports the concept of purchasing products which are biodegradable, can be or have been recycled, or are environmentally sounds. Due consideration will be given to the purchase of such products. If you are proposing any such products which qualify, please so indicate in a cover sheet by item number and description. We are also conscious of energy use and encourage Bidders to propose products that are energy efficient.

All bids are binding for ninety (90) days following the deadline for bids, or until the effective date of any binding resulting contract, whichever is later.

Proposals must be submitted in the format provided and address the items specified in this request. The City may reject any or all of the proposals on any basis and without disclosure of a reason. The failure to make such a disclosure shall not result in accrual of any right, claim or cause of action by any unsuccessful bidder against The City. The City reserves the right to waive any irregularities when the public interest will be served thereby. The City also reserves the right to negotiate any change or amendment in any proposal without soliciting further requests for proposals if the action is necessary for the best interest of The City.

The City of Nashua will reject the proposal of any proposer who is presently debarred, declared ineligible or excluded by any Federal department or agency, and reserves the right to reject the proposal of any proposer who has previously failed to perform any contract properly for any purchaser, or to complete on time, contracts of a similar nature, who is not in the position to perform the contract, or who has neglected the payment of bills or otherwise disregarded its obligations to clients, purchasers, subcontractors, material men, or employees.

The City is exempt of all taxes. All bids must be FOB Nashua, NH. All Bidders must comply with all

applicable Equal Employment Opportunity laws.

Pursuant to NRO 5-78 (F), the Purchasing Manager shall not solicit a bid from a contractor who is in default on the payment of taxes, licenses or other monies due the City. Therefore, this bid request is void as to anyone who is in default on said payments.

Sincerely,

Kelly Parkinson  
City of Nashua, Purchasing Manager  
[parkinsonk@nashuanh.gov](mailto:parkinsonk@nashuanh.gov)

## GENERAL REQUIREMENTS

- A. To be eligible for an award, a Bidder must be deemed "responsible". A responsible Bidder:
- has the ability, capacity and skill to provide the goods or services required
  - can provide the goods or services within the time frame specified
  - has a satisfactory record of integrity, reputation, judgment and experience
  - has sufficient financial resources to provide the goods or services
  - has an ability to provide future maintenance and support as required
  - has developed a positive track record with the City of Nashua to the extent the Bidder has previously provided goods or services.
- B. The Successful Bidder will be required to provide the City with certificates of insurance for coverage as listed below and endorsements affecting coverage required by the contract within ten (10) calendar days after the City issues the notice of award. The City requires thirty (30) calendar days written notice of cancellation or material change in coverage. The certificate and endorsements for each insurance policy must be signed by a person authorized by the insurer and who is licensed by the State of New Hampshire. General Liability, Employer's Liability and Auto Liability policies must name the City of Nashua as an additional insured and reflect on the certificate of insurance:
- General Liability insurance in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate
  - \$1,000,000 Combined Single Limit Automobile Liability (coverage must include all owned, non- owned and hired vehicles)
  - Workers' Compensation Coverage in compliance with the State of New Hampshire statutes, \$100,000/\$500,000/\$100,000
- All Bidders and subcontractors at every tier under this project will fully comply with NH RSA Chapter 281-A, "Workers' Compensation".
- C. It is the responsibility of the Successful Bidder to submit, to the City, certificates of insurance for the Successful Bidder and all other subcontractors prior to the start of the project. It is the responsibility of the Successful Bidder to provide the City with updated certificates of insurance for the Successful Bidder and all subcontractors 10 days prior to the expiration of coverage. The City may, at any time, order the Successful Bidder to stop work, suspend the contract or terminate the contract for non-compliance. All subcontractors are subject to the same insurance requirements as the Successful Bidder.
- D. The City also reserves the right to negotiate any change or amendment in any bid without soliciting further bids if the action is necessary for the best interest of the City.
- E. The City may conduct discussions with responsible Bidders prior to selection. Project shall begin performance upon receipt of an executed contract, a valid purchase order issued from the City, and the issuance of a "Notice to Proceed".

- F. The City may reject any and all responses on any basis and without disclosure of a reason. The failure to make such a disclosure shall not result in accrual of any right, claim, or cause of action by any unsuccessful Bidder against the City.
- G. Working on behalf of the City, the Successful Bidder shall be consistent with State and Federal statutes and be an advocate for the City throughout the project.
- H. The Successful Bidder shall meet all requirements of the Americans with Disabilities Act.
- I. The Successful Bidder should understand that under the New Hampshire Right-to-Know Law, all documents submitted in response to this request, including financial information, are considered public information and will be made available to the public upon request, unless specifically exempted under the law.
- J. Any Bidder submitting a bid may appeal a pending award prior to award by the City. The appellant must:
  - a. Submit a written protest to the City's Purchasing Manager within five (5) business days after the bid opening.
  - b. Describe, in the written protest, the issues to be addressed on appeal.
  - c. Post, with the written protest, a bond with a surety meeting the requirements of authorization to do business in this state or submit other security in a form approved by the City who will hold the bond or security until a determination is made on the appeal.
  - d. Post the bond or other security in the amount of 25% of the total dollar value of the appellant's bid, up to a maximum bond or other security amount of \$250,000.00.
  - e. Not seek any type of judicial intervention until the City has rendered its final decision on the protest. The City will stop award actions until after the City's Purchasing Manager has responded in writing to the protest. If the appellant is not satisfied with the response, the appellant may then protest to the Board of Aldermen, who will render a final decision for the City. No award protests will be heard by the Board of Aldermen unless Bidder has followed the appeal process.

If an appeal is granted, the full amount of the posted bond or security will be returned to the appellant. If the appeal is denied or not upheld, a claim may be made against the bond for expenses suffered by the City because of the unsuccessful appeal. The City is not liable for any costs, expenses, attorney's fees, loss of income, or other damages sustained by the appellant in a bid appeal process.

- K. The City assumes no liability for the payment of costs and expenses incurred by any Bidder in responding to this request. All bids become sole property of The City. This is not a contract and shall not be interpreted as such but rather serves as an instrument through which qualifications and cost proposals are solicited.

## PROJECT SCOPE

Project area and scope of work is defined in the project scope of work attached.

Working on behalf of the City, the Vendor shall be consistent with State and Federal statutes and be an advocate for the City throughout the project.

## PROPOSAL PROCESS & RESPONSE

The IFB response should be fully self-contained, concise, and display clearly and accurately the capabilities, knowledge, experience, and capacity of the Vendor to meet the requirements of the project and the proposal. Vendors are encouraged to utilize methods they consider appropriate in communicating the required information. At a minimum, this will include submission of the information requested below:

### A. Vendor description and project team

- a. Vendor firm name, business, address, website address and contact information
- b. Year established number of employees, office locations, etc.
- c. Vendor firm specialties: list your firm's area(s) of expertise
- d. Identify a project manager and all key project personnel and provide their direct contact information. No key staff member will be reassigned without written approval by the City.
- e. Identify minority or women owned business status

### B. Bid Sheets

Completed bid sheets must be submitted on vendor's company letterhead utilizing the format provided in bid documents to include:

- a. Bid Form
- b. Qualifications Statement
- c. References: include at least 3 professional references (business name, contact, email address & phone number). References may be contacted as part of our preliminary bid review to assist project committee in assessing Vendor qualifications. Current City of Nashua personnel and elected officials shall not be used as references.
- d. City Projects: Provide a list of project awards Vendor has received from the City of Nashua in the past 5 years. Please include project detail, City department and City project lead.
- e. The Scope of Work section of the proposal should explain the Scope of Work as understood by the Vendor and detail the approach, activities and work products. Your proposal shall also include and identify suggested revisions and improvements to the Scope of Work that might benefit the project either in efficiency or financially.
- f. Proposals should be inclusive of all costs necessary to execute this project.
- g. Any additional information that the Vendor considers pertinent for consideration should be included in a separate section of the proposal. The City solicits a statement about

why the Vendor feels its approach would be the most cost effective to the City.

C. General Submission Requirements

- a. Responses to this IFB shall be submitted on 8.5 inch by 11 inch sheets.
- b. If submitting a paper proposal, responses shall be bound.
- c. Pages will use one inch minimum margins and font size shall be eleven points (minimum) and should be double-side printed.
- d. There is no page limit, however it is noted that relevance and brevity shall be considered during evaluation of the submittals.
- e. Bids submitted electronically via Bid Express are preferred. If you choose to submit a paper response, then one hardcopy and an electronic copy on a USB device shall be submitted.

**PROPOSAL REVIEW/EVALUATION**

Proposals shall be evaluated by specific criteria set forth in this IFB. All proposals considered responsive shall be evaluated for completeness of data provided, support for all claims made, and the overall approach taken. The objective is to select a Vendor, through the outlined evaluation process, whose proposal is judged to be in the best interest of the City.

A. INITIAL REVIEW-SUBMITTED PROPOSALS

All proposals will be initially evaluated to determine if they meet the mandatory requirements.

- 1) The proposal must have been received on or before the specified deadline.
- 2) The proposal must be complete, in the required format, and comply with all the material requirements of this IFB.
- 3) Vendors must provide references as outlined.

Failure to meet these requirements may result in a rejected proposal. No proposal shall be rejected, however, if it contains a minor irregularity, defect, or variation, if the irregularity, defect, or variation is considered by the City to be immaterial or inconsequential. In such cases, the Vendor will be notified of the deficiency and given an opportunity to correct the irregularity, defect, or variation, or the City may elect to waive the deficiency and accept the proposal.

B. CRITERIA FOR SELECTION

All proposals received from Vendors will be reviewed and evaluated by a committee of qualified personnel. This committee will recommend for selection the proposal which most closely meets the requirements of the IFB and is the most advantageous to the City. The City of Nashua is not bound to accept the lowest priced proposal if that proposal is not in the best interest of the City as determined by the City. The City reserves the right to accept or reject any and/or all offers, to waive any and/or all formalities, to clarify any discrepancies in the



proposal and to award a contract in the best interest of the City.

Contract(s) will be awarded based on a competitive selection of proposals received. A review committee comprised of city stakeholders will be conveyed to evaluate the proposals and provide a recommendation. Below please are specifics as to how the proposals are weighed for decision making purposes.

- 1) Qualifications and experience of project team
- 2) Past performance and service on similar projects and responses from client references
- 3) Proposed Project Completion Dates
- 4) Overall quality of Bid
- 5) Total cost proposed
- 6) Classification as a disadvantaged business enterprise

These criteria will be used to evaluate, rate, and rank the proposals received. The City may choose to interview the top three respondents following ranking or immediately select a Vendor from the proposals submitted.

Criteria	Weight
Qualifications and Experience: <ul style="list-style-type: none"><li>• Respondent must demonstrate adequate experience in the following areas: qualification, general experience and technical competence of the project team</li><li>• Experience with similar type/size project</li><li>• Feedback from References with projects similar in size &amp; scope</li><li>• Expertise and resources that can perform the necessary tasks required to deliver results.</li><li>• Bidder must provide information that demonstrates they possess the technical expertise that is required for this scope of work</li></ul>	30%
Overall Impression of Proposal <ul style="list-style-type: none"><li>• Organization, clarity, conciseness and thoroughness.</li><li>• Approach to the scope of services and statement of works</li><li>• Proposed project schedule</li></ul>	10%
Additional Considerations (applicable only when not in conflict with state or federal guidelines) <ul style="list-style-type: none"><li>• Qualification as a DBE</li><li>• Qualification of a Local preference</li><li>• Use of Environmentally sound products in proposed solution</li></ul>	10%
Cost Proposal: Cost proposal should include any payment schedule setting forth the frequency and amount of progress payments, and identifying the tasks and deliverables ("milestones") to be completed for each payment to be deemed earned.	50%

#### ADDITIONAL CONSIDERATIONS:

The Vendor selected shall be expected to comply with all applicable federal and state laws in performance of services. The consideration of all proposals and subsequent selection of the

successful vendors shall be made without regard to race, color, sex, age, handicap, religion, political affiliation or national origin. Services provided by the successful Vendor shall be rendered through a professional services contract, which has been included in the bid documents.

Respondent Vendors must identify any exceptions or objections it has to the City's sample Standard Form of Agreement, General Conditions, and Supplementary Conditions documents.

The City may from time to time revise the above listed documents. The City will not accept or entertain any exceptions or objections to the above listed documents at any time after Proposal submittal except and only to the extent the City subsequently makes a material change to a substantive provision of the above listed terms and conditions.

The proposal must declare that it is made without collusion with any other person or entity submitting a proposal pursuant to this IFB

Disclosure of any potential conflict or statement that there are none to the best knowledge of the Vendor(s). Also, Vendor(s) should state its intention to conform to the no conflict provisions of the IFB.

Prospective applicants who have any questions regarding this opportunity may contact:

Kelly Parkinson, Purchasing Manager  
City of Nashua  
Administrative Services Division  
229 Main Street | Nashua, NH 03060  
Email: [parkinsonk@nashuanh.gov](mailto:parkinsonk@nashuanh.gov)  
Ph: 603-589-3333

**IFB Document List:**

The following is a list of documents included in this IFB. Please ensure you have reviewed all documents before submitting all bids to the City.

- A. Introduction Letter & General Requirements
- B. Scope of Work
- C. Bid Form
- D. Bid Sheet
- E. Agreement
- F. Bid Express Guides

To be considered a complete response at a minimum the following documents must be returned along with your proposal:

- A. Bid Sheets
- B. Bid Form
- C. Any & All Addendums issued after the release of this IFB. Addendums can be found on the City website or on Bid Express with the original bid documents